

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2752**

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**Introduced by Committee on Transportation (Lowenthal (Chair), Achadjian, Ammiano, Bloom, Bonta, Buchanan, Daly, Frazier, Gatto, Holden, Linder, Logue, Nazarian, ~~and~~ Patterson, Quirk-Silva, and Waldron)**

March 19, 2014

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An act to amend Sections 14534 and 65089.2 of the Government Code, *to amend Section 22031 of the Public Contract Code, to amend Sections 40333 and 99502 of the Public Utilities Code, and to amend Sections 2403.5, 5004.3, 27360, and 34500 of the Vehicle Code*, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2752, as amended, Committee on Transportation. ~~Transportation programs.~~ *Transportation.*

**Existing**

(1) *Existing* law provides for the adoption of the state transportation improvement program by the California Transportation Commission and for the adoption of a congestion management program by specified local agencies. Existing law specifies the duties of the Secretary of Transportation with regard to these programs.

This bill would correct obsolete references in these provisions.

(2) *Existing* law establishes contracting procedures for local agencies to follow when engaged in public works projects, with different procedures applicable to contracts depending on the value of the contract. Existing law provides that competitive bidding may be dispensed with on certain types of lower value contracts, where work

*may be awarded under what are commonly known as force account or day labor provisions. Existing law imposes an annual limit on the amount of contracting for new road construction and reconstruction work that may be done by day labor under certain force account provisions.*

*This bill would revise the provisions governing new county road construction and reconstruction work done by day labor under force account provisions to exclude from the annual limit force account work necessary to administer private contracts, while including force account work necessary to administer work performed by county employees. The bill would make other related changes.*

*(3) Existing law requires the Department of Motor Vehicles to establish the California Legacy License Plate Program, under which license plates are issued that replicate the look of license plates from the state's past. Existing law provides for payment of certain fees by an applicant for various services related to issuance of these plates, in addition to regular vehicle registration fees.*

*This bill would allow an applicant for legacy plates, upon payment of associated fees, to request that the plate contain a particular combination of letters or numbers, or both. The bill would require payment of a fee of \$38 when the holder of a legacy plate containing a particular combination retains the plate but does not renew a vehicle's registration.*

*(4) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of certain classes of vehicles, including certain trucks and buses. Existing law includes within these responsibilities a truck or a combination of a truck and any other vehicle when transporting hazardous materials.*

*This bill would instead refer to any vehicle or combination of vehicles transporting hazardous materials.*

*(5) The bill would also correct various other obsolete references and erroneous cross-references and make other related changes.*

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.*

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 14534 of the Government Code is  
2     amended to read:  
3     14534. Upon the adoption of the state transportation  
4     improvement program, the Secretary of Transportation, the

1 commission, and the department shall act in accordance with the  
2 program in carrying out their respective powers and duties, except  
3 as otherwise provided by law.

4 The existing adopted state transportation improvement program  
5 shall remain in effect until a new state transportation improvement  
6 program is adopted by the commission.

7 SEC. 2. Section 65089.2 of the Government Code is amended  
8 to read:

9 65089.2. (a) Congestion management programs shall be  
10 submitted to the regional agency. The regional agency shall  
11 evaluate the consistency between the program and the regional  
12 transportation plans required pursuant to Section 65080. In the  
13 case of a multicounty regional transportation planning agency, that  
14 agency shall evaluate the consistency and compatibility of the  
15 programs within the region.

16 (b) The regional agency, upon finding that the program is  
17 consistent, shall incorporate the program into the regional  
18 transportation improvement program as provided for in Section  
19 65082. If the regional agency finds the program is inconsistent, it  
20 may exclude any project in the congestion management program  
21 from inclusion in the regional transportation improvement program.

22 (c) (1) The regional agency shall not program any surface  
23 transportation program funds and congestion mitigation and air  
24 quality funds pursuant to Section 182.6 and 182.7 of the Streets  
25 and Highways Code in a county unless a congestion management  
26 program has been adopted by December 31, 1992, as required  
27 pursuant to Section 65089. No surface transportation program  
28 funds or congestion mitigation and air quality funds shall be  
29 programmed for a project in a local jurisdiction that has been found  
30 to be in nonconformance with a congestion management program  
31 pursuant to Section 65089.5 unless the agency finds that the project  
32 is of regional significance.

33 (2) Notwithstanding any other provision of law, upon the  
34 designation of an urbanized area, pursuant to the 1990 federal  
35 census or a subsequent federal census, within a county which  
36 previously did not include an urbanized area, a congestion  
37 management program as required pursuant to Section 65089 shall  
38 be adopted within a period of 18 months after designation by the  
39 Governor.

(d) (1) It is the intent of the Legislature that the regional agency, when its boundaries include areas in more than one county, should resolve inconsistencies and mediate disputes that arise between agencies related to congestion management programs adopted for those areas.

(2) It is the further intent of the Legislature that disputes that may arise between regional agencies, or agencies that are not within the boundaries of a multicounty regional transportation planning agency, should be mediated and resolved by the Secretary of Transportation, or an employee of the Transportation Agency designated by the secretary, in consultation with the air pollution control district or air quality management district within whose boundaries the regional agency or agencies are located.

(e) At the request of the agency, a local jurisdiction that owns, or is responsible for operation of, a trip-generating facility in another county shall participate in the congestion management program of the county where the facility is located. If a dispute arises involving a local jurisdiction, the agency may request the regional agency to mediate the dispute through procedures pursuant to subdivision (d). Failure to resolve the dispute does not invalidate the congestion management program.

*SEC. 3. Section 22031 of the Public Contract Code is amended to read:*

22031. (a) Prior to January 1, 2013, this article shall not prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1.

(b) On or after January 1, 2013, this article shall not prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 for both of the following:

(1) Maintenance and emergency work.

(2) New road construction and road reconstruction as long as the total ~~annual~~ value of the new road construction and the road reconstruction performed under the procedures set forth in subdivision (c) of Section 20395 *during a fiscal year* does not exceed 30 percent of the total value of all work performed by force account other than maintenance as reported in the Controller's

1 Streets and Roads Annual Report as of ~~January~~ *March* 1 of each  
2 year prior to the fiscal year.

3 (c) *The value of force account work necessary to facilitate*  
4 *capital projects for the purpose of contracting to the private sector,*  
5 *including design, engineering, inspection, testing, and other force*  
6 *account work necessary to administer private contracts, shall be*  
7 *excluded from the 30-percent limit in subdivision (b).*

8 (d) *The value of force account work necessary to facilitate*  
9 *projects performed by county employees, including design,*  
10 *engineering, inspection, testing, and other force account work*  
11 *necessary to administer work performed under subdivision (b),*  
12 *shall apply to the 30-percent limit in subdivision (b).*

13 ~~(e)~~

14 (e) On or after January 1, 2013, for a county with a population  
15 of less than 50,000, this article shall not prohibit a board of  
16 supervisors or a county road commissioner from utilizing, as an  
17 alternative to the procedures set forth in this article, the procedures  
18 set forth in Article 25 (commencing with Section 20390) of Chapter  
19 1.

20 ~~(d)~~

21 (f) The requirements set forth in Section 22038 shall apply to  
22 any county subject to this section.

23 ~~(e)~~

24 (g) Any county board of supervisors or county road  
25 commissioner acting pursuant to the authority granted in paragraph  
26 (2) of subdivision (b) shall *publicly* declare its intention to use this  
27 authority prior to commencing work. *The public declaration may*  
28 *be on a project-by-project basis, or via a list of anticipated projects*  
29 *for the fiscal year, which list may be included in the county's*  
30 *annual budget.*

31 SEC. 4. Section 40333 of the Public Utilities Code is amended  
32 to read:

33 40333. The taxes authorized by this article shall not be imposed  
34 unless the board shall have authorized it by ordinance adopted by  
35 a vote of two-thirds of all members of the board and ~~such the~~  
36 ordinance shall be approved by ~~a majority~~ *two-thirds* of the votes  
37 cast by the qualified electors of the district voting on the  
38 proposition at an election called for that purpose. The board, in  
39 the ordinance, shall state the nature of the tax to be imposed, shall  
40 provide the tax rate or rates or the maximum tax rate or rates, and

1 shall specify the purposes for which the revenue derived from the  
2 tax will be used.

3 *SEC. 5. Section 99502 of the Public Utilities Code is amended*  
4 *to read:*

5 99502. (a) The tax may be imposed by the adoption of an  
6 ordinance by a taxing entity if (1) it calls a special election for the  
7 submission of a proposition to grant it the authority to impose the  
8 tax pursuant to the ordinance and (2) ~~a majority~~ *two-thirds* of the  
9 voters voting at the special election approves the proposition. The  
10 special election may be held only when consolidated with an  
11 otherwise scheduled state election or local election for an area  
12 ~~which~~ *that* includes the area under the jurisdiction of the taxing  
13 entity. In the case of the City of Los Angeles, it may call ~~such a~~  
14 *the* special election only after securing the approval of the Los  
15 Angeles County Metropolitan Transportation ~~Commission~~  
16 *Authority*.

17 (b) Where two or more taxing entities have jurisdiction over  
18 the same area and *are* authorized pursuant to subdivision (a) to  
19 impose the tax under this chapter, the tax shall be imposed only  
20 by the taxing entity with the largest area under its jurisdiction.

21 *SEC. 6. Section 2403.5 of the Vehicle Code is amended to read:*

22 2403.5. The commissioner, or a designated representative, may  
23 enter into reciprocal operational agreements with authorized  
24 representatives of the Oregon State Police, the Nevada Department  
25 of Motor Vehicles and Public Safety, and the Arizona Department  
26 of Public Safety to promote expeditious and effective law  
27 enforcement ~~service~~ *service* to the public, and assistance between  
28 the members of the California Highway Patrol and those agencies,  
29 in areas adjacent to the borders of this state and each of the  
30 adjoining states pursuant to Section ~~830.32~~ 830.39 of the Penal  
31 Code. The reciprocal operational agreement shall be in writing  
32 and may cover the reciprocal ~~exchange~~ *exchange* of law enforcement  
33 services, resources, facilities, and any other necessary and proper  
34 matters between the Department of the California Highway Patrol  
35 and the respective agency. Any agreement shall specify the  
36 involved departments, divisions, or units of the agencies, the  
37 duration and purpose of the agreement, the responsibility for  
38 damages, the method of financing any joint or cooperative  
39 undertaking, and the methods to be employed to terminate an  
40 agreement. The commissioner may establish operational procedures

1 in implementation of any reciprocal operational agreement that  
2 are necessary to achieve the purposes of the agreement.

3 *SEC. 7. Section 5004.3 of the Vehicle Code is amended to read:*

4 5004.3. (a) Subject to subdivision ~~(e)~~ (d), the department shall  
5 establish the California Legacy License Plate Program and create  
6 and issue a series of specialized license plates known as California  
7 Legacy License Plates that replicate the look of California license  
8 plates from the state's past. The design of the plates shall be  
9 identical, to the extent the department determines it to be  
10 reasonably feasible under current manufacturing processes, to a  
11 regular license plate, except as provided in subdivision (b).

12 (b) The California Legacy License Plates shall consist of one  
13 or more of the following designs:

14 (1) Yellow background with black lettering per the appearance  
15 of California license plates issued by the department from 1956  
16 to 1962, inclusive.

17 (2) Black background with yellow lettering per the appearance  
18 of California license plates issued by the department from 1965  
19 to 1968, inclusive.

20 (3) Blue background with yellow lettering per the appearance  
21 of California license plates issued by the department from 1969  
22 to 1986, inclusive.

23 (c) *An applicant for the specialized license plates described in*  
24 *subdivision (a), who shall be the owner or lessee of the vehicle on*  
25 *which the plates will be displayed, may choose to either accept a*  
26 *license plate character sequence assigned by the department or*  
27 *request a combination of letters or numbers or both, subject to*  
28 *Section 5105.*

29 ~~(e)~~

30 (d) In addition to the regular fees for an original registration or  
31 renewal of registration, the following additional fees shall be paid  
32 for the issuance, renewal, *retention*, or transfer of the specialized  
33 license plates:

34 (1) Fifty dollars (\$50) for the original issuance of the plates.

35 (2) Forty dollars (\$40) for a renewal of registration with the  
36 plates.

37 (3) Fifteen dollars (\$15) for transfer of the plates to another  
38 vehicle.

39 (4) Thirty-five dollars (\$35) for each substitute replacement  
40 plate.

1     (5) *Thirty-eight dollars (\$38), when the payment of renewal*  
2 *fees is not required as specified in Section 4000 and the holder of*  
3 *the specialized license plates retains the plates. The fee shall be*  
4 *due at the expiration of the registration year of the vehicle to which*  
5 *the specialized license plates were assigned. This paragraph shall*  
6 *not apply when a plate character sequence is assigned by the*  
7 *department pursuant to subdivision (c).*

8     (e) *Sections 5106 and 5108 do not apply to the specialized*  
9 *license plates issued pursuant to this section.*

10     ~~(d)~~

11     (f) The department shall not issue California Legacy License  
12 Plates for a vehicle that is exempt from the payment of registration  
13 fees pursuant to Section 9101 or 9103.

14     ~~(e)~~

15     (g) (1) The department shall not establish the California Legacy  
16 License Plate Program until the department has received not less  
17 than 7,500 paid applications for plates. The department shall collect  
18 and hold applications for the plates. The department shall not issue  
19 a specialized license plate until it has received not less than 7,500  
20 paid applications for any one of the particular plates within the  
21 time period prescribed in this section.

22     (2) The department shall have until January 1, 2015, to receive  
23 the required number of applications. If, after that date, 7,500 paid  
24 applications have not been received for any one of the three plates  
25 described in subdivision (b), the department shall immediately  
26 refund to all applicants all fees or deposits that have been collected.

27     ~~(f)~~

28     (h) (1) Upon a determination by the department that there are  
29 sufficient funds for the program, moneys shall be available, upon  
30 appropriation by the Legislature, to the department for the  
31 necessary administrative costs of establishing the California Legacy  
32 License Plate Program.

33     (2) After deducting its administrative costs under this  
34 subdivision, the department shall deposit any additional revenue  
35 derived from the issuance, renewal, transfer, *retention*, and  
36 substitution of the specialized license plates into the California  
37 Environmental License Plate Fund, for appropriation by the  
38 Legislature pursuant to existing law.

39     SEC. 8. *Section 27360 of the Vehicle Code is amended to read:*



1 27360. (a) Except as provided in Section ~~27363~~ 27363, a  
2 parent, legal guardian, or driver shall not transport on a highway  
3 in a motor vehicle, as defined in paragraph (1) of subdivision ~~(3)~~  
4 (c) of Section 27315, a child or ward who is under eight years of  
5 age, without properly securing that child in a rear seat in an  
6 appropriate child passenger restraint system meeting applicable  
7 federal motor vehicle safety standards.

8 (b) Subdivision (a) does not apply to a driver if the parent or  
9 legal guardian of the child is also present in the motor vehicle and  
10 is not the driver.

11 *SEC. 9. Section 34500 of the Vehicle Code is amended to read:*

12 34500. The department shall regulate the safe operation of the  
13 following vehicles:

14 (a) Motortrucks of three or more axles that are more than 10,000  
15 pounds gross vehicle weight rating.

16 (b) Truck tractors.

17 (c) Buses, schoolbuses, school pupil activity buses, youth buses,  
18 farm labor vehicles, and general public paratransit vehicles.

19 (d) Trailers and semitrailers designed or used for the  
20 transportation of more than 10 persons, and the towing motor  
21 vehicle.

22 (e) Trailers and semitrailers, pole or pipe dollies, auxiliary  
23 dollies, and logging dollies used in combination with vehicles  
24 listed in subdivision (a), (b), (c), or (d). This subdivision does not  
25 include camp trailers, trailer coaches, and utility trailers.

26 (f) A combination of a motortruck and a vehicle or vehicles set  
27 forth in subdivision (e) that exceeds 40 feet in length when coupled  
28 together.

29 ~~(g) A truck, Any vehicle, or a combination of a truck and any~~  
30 ~~other vehicle, vehicles, transporting hazardous materials.~~

31 (h) Manufactured homes that, when moved upon the highway,  
32 are required to be moved pursuant to a permit as specified in  
33 Section 35780 or 35790.

34 (i) A park trailer, as described in Section 18009.3 of the Health  
35 and Safety Code, that, when moved upon a highway, is required  
36 to be moved pursuant to a permit pursuant to Section 35780.

37 (j) Any other motortruck not specified in subdivisions (a) to  
38 (h), inclusive, or subdivision (k), that is regulated by the  
39 Department of Motor Vehicles, Public Utilities Commission, or  
40 United States Secretary of the Department of Transportation, but

1 only for matters relating to hours of service and logbooks of  
2 drivers.

3 (k) A commercial motor vehicle with a gross vehicle weight  
4 rating of 26,001 or more pounds or a commercial motor vehicle  
5 of any gross vehicle weight rating towing a vehicle described in  
6 subdivision (e) with a gross vehicle weight rating of more than  
7 10,000 pounds, except combinations including camp trailers, trailer  
8 coaches, or utility trailers. For purposes of this subdivision, the  
9 term “commercial motor vehicle” has the meaning defined in  
10 subdivision (b) of Section 15210.

O